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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,437	10/18/2001	Steve Brandstetter	P/94-2	6647
<div>Philip M. Weiss WEISS &amp; WEISS 300 OLD COUNTRY ROAD SUITE 251 MINEOLA, NY 11501</div>				
<div>7590 06/19/2009</div>				
EXAMINER				
LEIVA, FRANK M				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
06/19/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/982,437

**Applicant(s)**

BRANDSTETTER ET AL.

**Examiner**

FRANK M. LEIVA

**Art Unit**

3714

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 22-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 February 2009 has been entered.

### ***Acknowledgements***

2. The examiner acknowledges remarks filed 11 February 2009 with no claim amendments.

### ***Response to Arguments***

3. Applicant's arguments, see remarks, filed 11 February 2009, with respect to the rejection(s) of claim(s) 13 and 22-27 under 35 USC §102(e) and §103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tarantino (US 6,656,047 B1).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 13, 22-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick et al. (US 6,368,216 B1) in view of Tarantino (US 6,656,047 B1).**

6. Regarding the analogous art; Hedrick discloses a system of linked gaming machines connected to a progressive and tournament system; Tarantino discloses a system of linked gaming machines that facilitates connection to a progressive display and machines links for tournament play. Both inventions are related to gaming machine casino networks and tournament play.

7. **Regarding claim 13;** Hedrick discloses a gaming machine system comprising: at least two gaming machines linked together, said gaming machines linked to an interactive sign; said interactive sign comprising an LCD screen; said LCD screen displaying a bonusing event that players can enter in, wherein players playing said linked gaming machines who enter said bonusing event compete against each other on said interactive sign, (8:15-39), machines link together, (8:56-63), LCD screen, (16:40-44), tournaments. Hedrick is silent to the tournament being conducted with linked machines and although it is well-known in the art; Tarantino discloses gaming machines linked through a network to conduct player tournaments and progressive play, (abstract). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the already existing machine network link to facilitate a progressive link and player tournaments as taught by Tarantino in order to account for everyone's play during the tournaments.

8. **Regarding claim 22;** Hedrick discloses a wherein said interactive sign comprises an LCD screen where a player enters bonus play and competition is between a player playing said gaming machine and said bonusing event on said interactive sign, (16:36-44).

9. **Regarding claim 23;** Hedrick discloses a system for alerting a player when they are playing on said interactive sign, (4:6-14), casino service notification.

**10. Regarding claim 24;** Hedrick discloses wherein a player operates said bonusing event from any of said gaming machines linked to said interactive sign, (16:40-44).

**11. Regarding claim 25;** Hedrick discloses wherein said bonusing event comprises a wheel which has various monetary denominations, (2:29-31).

**12. Regarding claim 27;** Hedrick discloses wherein said bonusing event comprises a Ferris wheel that unloads coins when one of said linked gaming machines triggers said bonusing event, (23:27-47), the use of wheels as bonus instruments are disclosed and variations of them are a simple design choice.

**13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick and Tarantino as applied above and in view of Dote (US 5,221,083).**

**14. Regarding claim 26;** Hedrick and Tarantino combination discloses all the features of claim 13 including the bonusing event played on the LCD display, but fails to mention a one on one game with a dealer. Dote discloses wherein a player plays one on one with a casino dealer on said LCD screen, (fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to create a linked blackjack tournament showing the dealer to make the game more attractive. The display of the one on one player vs. dealer game would have been a predictable result of displaying the last player standing on a Black Jack tournament.

**15. Examiner's Note:** Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully

consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

06/17/2009

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714